

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CASEY B. CLIFTON,

Petitioner,

vs.

ROB JEFFREYS,

Respondent.

8:24CV48

MEMORANDUM AND ORDER

This matter is before the court on Petitioner's Motion for Extension of Time, Filing No. 15, requesting an extension of time to file his brief in response to Respondent's Answer. Respondent filed his Answer, Filing No. 12, and supporting brief, Filing No. 13, on February 14, 2025. On March 31, 2025, Respondent filed a Notice of Case Submission and notified the Court that Respondent would not file a reply brief because Petitioner had not filed a brief by the March 17, 2025 deadline. Filing No. 14. Petitioner now asks for additional time to file a brief because he received Respondent's Answer, brief, and Notice of Case Submission at the same time on April 2, 2025, due to his institution's mishandling of, and failure to timely deliver, his legal mail. Filing No. 15.

Under the Federal Rules of Civil Procedure, "[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time: . . . on motion made after the time has expired if the party failed to act because of excusable neglect." Fed. R. Civ. P. 6(b)(1)(B); *see also* Fed. R. Civ. P. 81(a)(4) (Federal Rules of Civil Procedure apply to habeas proceedings to the extent other statutes or rules do not govern). Upon consideration, and

for good cause shown, the Court will grant Petitioner's Motion for Extension of Time to file his brief.

IT IS THEREFORE ORDERED:

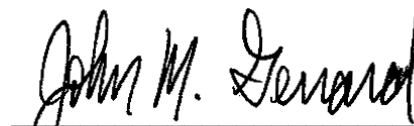
1. Petitioner's Motion for Extension of Time, Filing No. 15, is granted. Petitioner shall have until **May 15, 2025**, to file his brief in response to Respondent's answer and brief.

2. If Petitioner files a brief, then Respondent shall have 30 days thereafter to file and serve a reply brief. If Petitioner fails to file a brief, then this matter will be considered fully submitted for decision.

3. The Clerk of Court is directed to set a pro se case management deadline using the following text: **May 15, 2025**: Petitioner's brief due.

Dated this 15th day of April, 2025.

BY THE COURT:

A handwritten signature in black ink, reading "John M. Gerrard", is written over a horizontal line.

John M. Gerrard
Senior United States District Judge